

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TBD BREWING LLC (D/B/A
AERONAUT BREWING CO.),

Plaintiff,

v.

BENJAMIN HOLMES and
FERMENTATION ARTS BRASSERIE,
LLC

Defendants.

Case No. 1:20-cv-10072

**PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, Plaintiff, TBD Brewing LLC, d/b/a Aeronaut Brewing Co. (“Aeronaut” or “Plaintiff”) requests a temporary restraining order and preliminary injunction enjoining Defendants Benjamin Holmes (“Mr. Holmes”) and Fermentation Arts Brasserie, LLC (“FAB”) (collectively, “Defendants”) from unfairly competing with Aeronaut by using Aeronaut’s trade secrets and confidential information misappropriated by Mr. Holmes.

Aeronaut is a successful brewery based in Somerville founded by Ronn Friedlander, Daniel Rassi and Mr. Holmes in 2013. In December 2019, Aeronaut discovered that Mr. Holmes had, without its knowledge, founded a competing brewery, FAB, and had actively taken Aeronaut property, resources, trade secrets and confidential information to use in his new venture. In particular, Aeronaut has evidence Mr. Holmes accessed Aeronaut’s password protected recipes around the time FAB began brewing beer, exported tens of thousands of customer contacts and associated proprietary information such as purchase history and

preferences, and shared dozens of files containing sensitive business plans and financial models outside of the company organization. Moreover, FAB's cans precisely copy Aeronaut's label design, which include unique design elements, risking customer confusion.

An order from this Court is necessary to prevent Mr. Holmes and FAB from using Aeronaut's proprietary information to unfairly compete for Aeronaut's business and cause irreparable harm. For the reasons set forth in its Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction, Aeronaut requests an order:

- (1) enjoining Defendants from using, distributing, marketing, disclosing, benefiting from, promoting, selling, or offering for sale any products using, incorporating or deriving from Aeronaut's property, resources, trade secrets and confidential information including Aeronaut's recipes, label designs, UPCs, customer lists and proprietary business information;
- (2) requiring Defendants recall and destroy all FAB products using, distributing, marketing, disclosing, benefiting from, promoting, selling, or offering for sale any products using, incorporating or deriving from Aeronaut's property, resources, trade secrets and confidential information including Aeronaut's recipes, label designs, UPCs, customer lists and proprietary business information;
- (3) directing Defendants within 30 days of the court's Order to return or destroy all copies and versions of all property, resources, trade secrets and confidential information including Aeronaut's recipes, label designs, UPCs, customer lists and proprietary business information and to provide verifiable proof from an objective third party that they have taken the necessary steps to comply with this order, and to

immediately stop and refrain from brewing beer until it has provided such verification.

TBD BREWING LLC (D/B/A
AERONAUT BREWING CO.),

By its attorneys,

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Dated: January 15, 2020